

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06 L-03

AGR-05 CEA-01 FRB-03 H-02 INT-05 LAB-04 NSC-05 PA-01

AID-05 CIEP-01 SS-15 STR-04 ITC-01 TRSE-00 USIA-06

PRS-01 SP-02 OMB-01 IO-13 AF-08 ARA-06 EA-07 NEA-10

OIC-02 AGRE-00 FEA-01 /153 W
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R 171737Z SEP 76

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 1883

INFO ALL EC CAPITALS 2498

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E.O. 11652: N/A

TAGS: ETRD, GATT, EEC

SUBJECT: IMPLEMENTATION OF ANTI-DUMPING PROCEDURES BY PARTIES
TO GATT ANTI-DUMPING CODE

REF: (A) STATE 200895, (B) EC BRUSSELS 8368

1. CONVERSATION WITH EC COMMISSION OFFICIAL IN CHARGE OF
TRADE PROTECTION, HANS BESELER, ON SEPTEMBER 15 PROVIDED AN
OPPORTUNITY FOR FURTHER DISCUSSION OF QUESTIONS CONTAINED IN
REFTEL A. ACCORDING TO BESELER, MOST INTERESTING PHENOMENON
CONCERNING ANTI-DUMPING IMPLEMENTATION IN EC IS RISING
NUMBER OF CASES BEING BROUGHT TO HIS ATTENTION BY EC FIRMS.
IN ALMOST ALL CASES, ALLEGED DUMPING IS LAID AT DOOR OF
EITHER EAST EUROPEAN OR LDC, USUALLY ASIAN, TRADERS, THERE
ARE AT PRESENT NO COMPLAINTS INVOLVING US FIRMS.

2. BESELER NOTED THAT ONE OF COMMISSION'S MAIN CONCERNS IS
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TO MAINTAIN ADMINISTRATIVE FLEXIBILITY IN

DEALING WITH ANTI-DUMPING COMPLAINTS. HE SAID HE FINDS IT REGRETTABLE THAT US TRADE ACT HAS TAKEN FROM TREASURY A GOOD DEAL OF ITS FORMER FLEXIBILITY. AS FOR EC, SMALLNESS OF STAFF WORKING ON ANTI-DUMPING COMPLAINTS OBLIGES COMMISSION TO SEEK MAXIMUM DOCUMENTATION FROM INTERESTED PARTIES, BOTH COMPLAINANT AND FOREIGN EXPORTERS. PROCEDURE NOW IN PRACTICE INCLUDES OBLIGATION OF COMPLAINANT TO COMPLETE EXTENSIVE QUESTIONNAIRE PRIOR TO COMMISSION'S ACCEPTANCE OF COMPLAINT. BASED ON THIS DOCUMENTATION, COMMISSION WOULD DECIDE WHETHER TO GO AHEAD WITH FORMAL PUBLICATION OF INTENTION TO INVESTIGATE. ONCE THIS STEP TAKEN, COMMISSION WOULD MAKE ITS OWN INVESTIGATION, INCLUDING DISCUSSIONS OF MERITS OF CASE WITH EXPORTING INTERESTS. IN POINT OF FACT, DURING PERIOD JULY 1, 1975-JUNE 30, 1976 THERE WERE NO INVESTIGATIONS WHICH LED TO A FORMAL FINDING THAT DUMPING WAS TAKING PLACE AND A RESULTANT IMPOSITION OF ANTI-DUMPING DUTIES. SEVERAL CASES, INCLUDING THE BRAZILIAN CASE MENTIONED IN REF B, WERE DROPPED BECAUSE OF "THE EVOLUTION OF SITUATION". THE COMMISSION IS FORWARDING TO THE GATT A LIST OF ALL CASES HANDLED DURING THIS PERIOD. WE ARE FURNISHING A COPY TO EUR/RPE-BRESLER AND EB/STA-SPIRO.

3. BESELER NOTED THAT THE COMMISSION IS PREPARING FOR TRANSFER OF RESPONSIBILITY FOR UK ANTI-DUMPING INVESTIGATIONS FROM UKG TO THE EC IN JULY 1977. INCLUDED IN HIS PLANS IS SOME INCREASE IN STAFF. MAJOR CONCERN IS THAT COMMISSION BE SEEN BY UK INDUSTRY AS AN EFFECTIVE DEFENDER OF ITS INTERESTS AGAINST DUMPING. QUESTION HAS BEEN RECEIVING SOME PUBLICITY HERE AND IN UK PAPERS IN RECENT WEEKS. OUR IMPRESSION IS THAT, ACCORDINGLY, COMMISSION WILL BE CAREFUL NOT TO LAY ITSELF OPEN TO CHARGES OF INEFFECTIVENESS BY BRITISH INDUSTRY.
HINTON

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